

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAILY NEWS LP, ET AL.,

Plaintiff,

v.

MICROSOFT CORPORATION, ET AL.,

Defendants.

24-cv-3285 (SHS) (OTW)

And the Related Cases:

23-cv-11195 (SHS) (OTW)

24-cv-4872 (SHS) (OTW)

ORDER

SIDNEY H. STEIN, U.S. District Judge.


Defendant Microsoft, in its memorandum of law in support of its motion to dismiss the complaint in *Daily News LP, et al., v. Microsoft Corporation, et al.*, 24-cv-3285, alleges that N.Y. Gen. Bus. Law § 360-I is unconstitutional as applied to it in violation of the dormant Commerce Clause of the United States Constitution. (*See* ECF No. 77 at 23.)

At oral argument on the motions to dismiss the complaints in these three actions on January 14, 2025, the Court asked for the position of the relevant parties as to whether Microsoft is required to comply with Federal Rule of Civil Procedure 5.1. (*See* Transcript of 1/14/25 Oral Argument at 87.)

IT IS HEREBY ORDERED that the plaintiffs in the *Daily News* action and Microsoft shall inform the Court in writing on or before January 30, 2025 of their positions on whether or not Microsoft is required to comply with Fed. R. Civ. P. 5.1.

Dated: New York, New York
January 23, 2025

SO ORDERED:



Sidney H. Stein, U.S.D.J.